

Application No. 10/735,093
Docket No.: UV-15 CON 3
Amendment dated January 30, 2009
Response to Office Action of July 31, 2008

REMARKS

Claims 81-180 were pending in this application. In the present amendment, Applicant has canceled claims 82-105, 131-155, and 157-180 without prejudice or disclaimer, amended claims 81, 106-109, 112-130, 156, and added new claims 181-182. Accordingly, claims 81, 106-130, 156, and 181-182 remain pending for consideration.

Rejection under 35 U.S.C 112, First Paragraph

The Examiner contends that claim 156 does not comply with 35 U.S.C. § 112, first paragraph because "Applicant's disclosure lacks any teaching, explicit or inherent, of a computer-readable medium capable of comprising a computer program recorded thereon." (Office Action mailed on 3/6/08.) Applicant respectfully traverses this rejection.

Applicant has amended claim 156 to recite a computer program product that includes instructions embodied on hardware. Support for claim 156 may be found, for example, in paragraph [0072] of Applicant's specification. Accordingly, Applicants respectfully request that the Examiner's rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejection under 35 U.S.C 101

Claim 156, as amended, defines a computer program product including instructions that, when executed by a processor, perform the recited steps. Applicant therefore respectfully requests that the rejection of claim 156 be withdrawn.

Rejection under 35 U.S.C 103

Claims 81, 106-109, 111, 113-130, and 156 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,002,394 to Schein in view of U.S. Patent No. 6,139,177 Venkatraman et al. Claims 81, 106 and 156 are the only independent claims.

Applicant's claimed invention is directed to providing customized television program guide services to a user of the Internet. Independent claims 81, 156 and 181-182 are patentable over Schein and Venkatraman because neither Schein nor Venkatraman show or suggest a system or

method that includes receiving an email address and providing a customized display of selectable television program listings over the Internet to a user associated with the email address. The Examiner acknowledges that Schein does not disclose receiving an email address provided by a user via a web page. The Examiner contends, however, that Venkatraman discloses receiving an email address to customize information provided to user and that Schein may be modified using Venkatraman 's disclosure to show all of the features of Applicant's claimed invention.

Venkatraman discloses a device with embedded web functionality so that a user can use an external web browser to access information about the device and to control various device-specific functions. Users can also use the web browser to register an email address and receive notifications of certain device-specific events. For example, Venkatraman's disclosure provides that "[t]he registered email addresses . . . are subsequently used by the notifier 26 to send messages specifying predetermined events associated with the device 10 as the events occur." 3:58-62. By relying on this passage from Venkatraman, the Examiner appears to have interpreted the claim language "to customize the information provided to the user" as including sending email messages to the user. Applicant's use of this phrase in the current context, however, indicates that a customized web page of selectable television listings is provided over the Internet. The proposed amendments to independent claims 80, 106, and 156 are intended to clarify the scope of the original claims. Thus, even if Schein could be combined with Venkatraman, which Applicant does not admit, the combination would not yield Applicant's claimed invention.

Because the claimed invention specifically requires receiving an email address and providing a customized display of selectable television program listings over the Internet to a user associated with the email address, Schein in view of Venkatraman does not render the claimed invention obvious as it does not show or suggest this requirement. Independent claims 81, 156 and 181-182 and all claims depending therefrom include the discussed requirement and are all therefore non-obvious in light of the cited references.

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Claim 110 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Schein in view of Venkatraman and further in view of U.S. Patent No. 5,988,078 to Levine. Levine fails to satisfy the deficiencies of Schein and Venkatraman. Levine does not show or suggest a system or method that includes receiving an email address and providing a customized display of a television program guide service to a user associated with the email address. Therefore, claim 110 is nonobvious in light of Schein, Venkatraman, and Levine.

Claim 112 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Schein in view of Venkatraman and further in view of U.S. Patent No. 5,793,972 to Shane. Shane fails to satisfy the deficiencies of Schein and Venkatraman. Shane does not show or suggest a system or method that includes receiving an email address and providing a customized display of a television program guide service to a user associated with the email address. Therefore, claim 112 is nonobvious in light of Schein, Venkatraman, and Shane.

All of the independent claims are nonobvious in view of the cited references. All of the remaining claims depend either directly or indirectly from independent claim 81 and are allowable for at least the reasons that those claims are allowable. Therefore, Applicant respectfully requests reconsideration and allowance of all pending claims.

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This response includes an authorization to charge Deposit Account No. 18-1945 for the RCE, an excess claim fee, and a 3-month extension of time. Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. UV-015 Con 3 from which the undersigned is authorized to draw.

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